

Item #

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1 FT  
FOR A BOAT DOCK (ROBERT BERNARD, APPLICANT)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1 FT FOR A BOAT DOCK (ROBERT BERNARD, APPLICANT); OR
2. **DENY** THE REQUEST FOR A SIDE YARD SETBACK VARIANCE FROM 10 FEET TO 1 FT FOR A BOAT DOCK (ROBERT BERNARD, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 3 – Commissioner Van Der Weide)

(Kathy Fall, Senior Planner)

<b>GENERAL INFORMATION</b>	APPLICANT: ROBERT BERNARD LOCATION: 3157 CECELIA DRIVE ZONING: R-1AA (SINGLE FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"><li>• THE APPLICANT PROPOSES TO CONSTRUCT A BOAT DOCK ON BEAR LAKE WHICH ABUTS THE REAR OF THE SUBJECT PROPERTY.</li><li>• THE APPLICANT DOES NOT OWN THE LAKE BOTTOM WHERE THE PROPOSED BOAT DOCK WOULD BE ANCHORED. HOWEVER, THE FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION, THE AGENCY THAT OWNS THE LAKE BOTTOM, WOULD ALLOW THE CONSTRUCTION OF A DOCK WITH THE REQUIRED BUILDING PERMIT; THIS EXPLAINS THE REASON FOR THIS REQUEST.</li><li>• THERE ARE BOAT DOCKS LOCATED ON EITHER SIDE OF THE APPLICANT'S PROPERTY.</li></ul>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE REQUESTED VARINCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY, SINCE THE PROPOSED BOAT DOCK COULD BE CONSTRUCTED</li></ul>

	<p>WITHOUT ENCROACHMENT INTO THE 10 FT SIDE YARD SETBACK.</p> <ul style="list-style-type: none"><li>• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE BOAT DOCK AS SHOWN ON THE ATTACHED SITE PLAN.</li><li>• THE APPLICANT SHALL PRESERVE THE EXISTING TREES LOCATED IN THE SOUTH CORNER OF THE PROPERTY ADJACENT TO THE BOAT DOCK.</li><li>• THE DOCK SHALL NOT HAVE MORE THAN 3 MOTORIZED WATER CRAFTS.</li><li>• THE DOCK SHALL NOT EXCEED 1,000 SQUARE FEET WITHOUT APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS.</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>

CECELIA DR.  
50' PLATTED RIGHT OF WAY  
ASPHALT ROADWAY

100.00'

68'

23'

21'

292'

257.88'

LOT 5  
BLOCK E

LOT 6  
BLOCK E

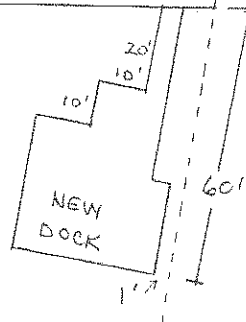
1" = 30'

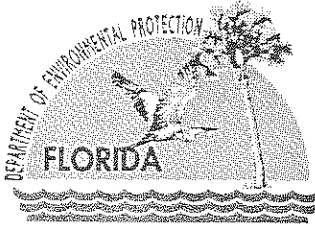


LOT 7  
BLOCK E

105.86'

BEAR LAKE





Jeb Bush  
Governor

# Department of Environmental Protection

Central District  
3319 Maguire Boulevard, Suite 232  
Orlando, Florida 32803-3767

David B. Struhs  
Secretary

Seminole County Development Review Division  
Javier Torregrosa  
1101 East First Street  
Sanford, FL 32771-1468

Re: Bear Lake

Dear Mr. Torregrosa:

According to the Departments records, Bear Lake, located in Sections 18 and 19, Township 21 South and Range 29 East in Seminole County is considered to be Sovereign submerged lands by the Department. "Sovereign submerged lands" means those lands including but not limited to, tidal lands, islands, sand bars, shallow banks, and lands waterward of the ordinary or mean high water line, beneath navigable fresh water or beneath tidally-influenced waters, which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated.

Docking structures on Bear Lake that comply with 40C-4.051(11)(g) F.A.C. and 18-21.005 F.A.C. are not required to obtain a permit from the Department.

Please contact me at the letterhead address or by calling 407/893-3307, between the hours of 8:00 a.m. and 5:00 p.m., should you have any questions.

**RECEIVED**  
JUL 06 2001

DEVELOPMENT  
REVIEW DIVISION  
SEMINOLE COUNTY

Sincerely,

Lisa L. Moll  
Environmental Specialist  
Submerged Lands and Environmental  
Resource Permitting

Date: July 2, 2001

LM/dv